

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 09/781,253
Attorney Docket No. Q63086

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 9, 15 and 16 have been editorially amended. Claims 1-26 are pending in the application. The rejections are respectfully submitted to be obviated in view of the remarks presented herein.

As a preliminary matter, Applicant again brings to attention that Berger (U.S. Patent Number 6,414,693 B1) has not been cited on the PTO-892 Notice of References Cited form. Applicant believes that Examiner may have unintentionally cited Weisenberger (U.S. Patent Number 6,424,693) instead of Berger. Applicant respectfully requests Examiner to attach a PTO-892 Notice of References Cited form citing Berger (U.S. Patent Number 6,414,693 B1) to the next office communication.

Applicant notes that Examiner has not acknowledged receipt of all certified copies of the priority documents. In particular, two of the three boxes 12), a) and 1. of the PTOL-326 Office Action Summary form were not checked to fully acknowledge receipt of all certified copies of the priority documents. Applicant respectfully request Examiner to acknowledge, in the next office communications, that all certified copies have been received.

Objection to the Drawings

Applicant has amended FIG. 3 as suggested by Examiner to correct a typographical error. Specifically, "OFRECEIVED" has been changed to --OF RECEIVED--. Applicant respectfully requests withdrawal of the objection to the drawings.

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Objection to the Specification

Applicant has amended the paragraph on page 16, lines 20-24 of the specification as suggested by Examiner to correct a typographical error. Specifically, “the user terminal 1” has been changed to --the user terminal 10--. Applicant respectfully requests withdrawal of the objection to the specification.

Rejection Under 35 U.S.C. § 112, Second Paragraph

Claims 15 and 16 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has editorially amended claims 15 and 16, and now respectfully requests withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

Rejection Under 35 U.S.C. § 102(e) - Matsuzaki

Claims 1-4, 9, 11, 12, 17, 18 and 23 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Matsuzaki et al. (U.S. Patent Number 5,357,439; hereinafter “Matsuzaki”). The rejection is respectfully traversed.

Regarding claims 1, 11 and 17, Applicant’s claimed invention relates to a user’s request reflecting design system including a design data publicizing means, a correction data receiving means, and a design assisting means as recited in claims 1 and 17, and a method in which design data is publicized to users through a computer network, correction data is received through the computer network as design data corrected by a user, and the correction data received is reflected on product design as recited in claim 11.

Applicant respectfully submits that the disclosure of Matsuzaki does not anticipate the claimed invention. Matsuzaki discloses a manufacturing system for receiving an order from a customer and manufacturing the order, as shown in Figure 1. Matsuzaki's system keeps the product production department well-informed with the ordering department (column 1, lines 52-53). Also, Matsuzaki's order manufacturing system exchanges information between the ordering department and a designing department (column 1, lines 53-59). The ordering department accepts an order of a product specified by customer input. The product specification is transmitted to the production department for assembling the product based on the product specification (column 2, lines 9-15). The ordering department shows existing product designs generated from previous customer specifications to the customer, and the customer chooses a design which is then sent to the production department for manufacture based on the chosen specification. However, when none of the designs shown to the customer meets the customer's product specifications, the specification of product is transmitted to the designing department to design the product according to the required specification, and then transmitted back to the order department for customer selection (column 2, lines 16-34). The customer in Matsuzaki's system is allowed to define the optimum specification by comparing various previously defined specifications (column 2, lines 56-58). The customer required specification is transmitted from the ordering department to the designing department or design information is transmitted from the designing department to the ordering department (column 3, lines 7-19).

However, there is no teaching in Matsuzaki of "correction data receiving means for receiving and storing correction data as design data corrected by a user through [a] computer

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network; and design assisting means reflecting correction data received by the correction data receiving means on product design,” as recited in claim 1. In Matsuzaki, although the designing department of Figure 1 designs a product according to a customer’s specification, there is no teaching or suggestion of correction data which is received and stored, the correction data being correction of design data publicized to a user through a network. There is also no teaching or suggestion in Matsuzaki of further reflecting the received correction data on product design.

Matsuzaki only transmits a product specification to the production department to create a product based on production information which is based on the product specification (column 2, lines 9-15). Matsuzaki’s product specification is not design data which has been corrected by a user through a computer network. Instead, Matsuzaki’s product specification is input directly by a customer to the ordering department and is completely independent from any existing data (column 1, lines 60-64). The product specification is stored in a required specification storing unit, and a product is designed based on the stored product specification (column 7, lines 4-5). Matsuzaki’s product specification is either used by the ordering department for creating and showing a design of the product based on the product specification, or transmitted to the production department for assembling the product (column 1, line 60 to column 2, line 15). Matsuzaki’s products are created based entirely on customer entered product specification, and the customer does not correct existing design data.

Furthermore, although Matsuzaki’s order manufacturing system offers various existing specifications to the customer thereby allowing the customer to define an optimum specification still meeting the customer’s requirements, Matsuzaki’s customer defined specification does not

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correct any existing specifications but may only be saved as a completely new and independent specification. Matsuzaki's customer defined specification is wholly entered by the customer as raw data and not correction data, and does not correct existing design data. Additionally, Matsuzaki does not discuss design assisting means utilizing correction data received by correction data receiving means, wherein the correction data is design data corrected by a user through a computer network, as claimed. At least by virtue of the aforementioned differences, Applicant's claims 1, 11 and 17 distinguish over Matsuzaki. Applicant's claims {1-4 and 9}, {12}, and {18 and 23} are dependent claims including all of the elements of independent claims 1, 11 and 17, respectively, which, as established above, distinguishes over Matsuzaki. Therefore, claims 1-4, 9, 12, 18 and 23 are patentable over Matsuzaki for at least the aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) are respectfully requested.

With further regards to claims 3, 4, 9, 12, 18 and 23, an editing program file is transferred, along with the public design data, to a terminal connected to the computer network. Examiner relies on column 6, lines 15-34 of Matsuzaki for this teaching. However, Matsuzaki only utilizes software for operating the means for inputting a specification required by a customer for each order window as shown in Figures 1 and 2. There is no mention in Matsuzaki of transferring an editing program file to a terminal. Any programs and menus used in Matsuzaki are fixed within a system or means within its department, and are not transferred through a computer network to a terminal. At least by virtue of this additional difference as well as the aforementioned differences, Applicant's claimed invention distinguishes over Matsuzaki.

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Rejection Under 35 U.S.C. § 103(a) - Matsuzaki et al in view of Suda et al.

Claims 5-8, 10, 13-16, 19-22 and 24-26 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Matsuzaki in view of Suda et al. (U.S. Patent Number 6,279,000; “Suda”). The rejection is respectfully traversed.

As discussed above in reference to claims 1, 11 and 17, Matsuzaki fails to teach or suggest “correction data receiving means for receiving and storing correction data as design data corrected by a user through [a] computer network; and design assisting means reflecting correction data received by the correction data receiving means on product design,” as recited in claim 1.

Suda does not remedy the deficiencies of Matsuzaki. Suda discloses the extraction of an item from a received electronic mail. The extracted item is stored as a user’s schedule in a database. However, there is no teaching or suggestion in Suda of receiving and storing correction data as design data corrected by a user through a computer network, and reflecting the correction data on product design. Suda refers only to schedule management in accordance with information included in input information such as electronic mail. At least by virtue of the aforementioned differences, Applicant’s claims 1, 11 and 17 distinguish over Matsuzaki in view of Suda. Applicant’s claims {5-8, 10 and 24}, {13-16 and 25}, and {19-22 and 26} are dependent claims including all of the elements of independent claims 1, 11 and 17, respectively, which, as established above, distinguishes over Matsuzaki in view of Suda. Therefore, claims 5-8, 10, 13-16, 19-22 and 24-26 are patentable over Matsuzaki in view of Suda for at least the

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aforementioned reasons as well as for their additionally recited features. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) are respectfully requested.

With further regards to claims 6, 8, 14, 16, 20 and 22, an editing program file is transferred, along with the public design data, to a terminal connected to the computer network. Neither Matsuzaki nor Suda teach or suggest the transfer of an editing program file along with public design data to a terminal connected to a computer network. At least by virtue of this additional difference as well as the aforementioned differences, Applicant's claimed invention distinguishes over Matsuzaki in view of Suda.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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AMENDMENTS TO THE DRAWINGS

The attached replacement sheet of drawings includes an amendment to FIG. 3 to correct a typographical error. The typographical error “OFRECEIVED” has been corrected and replaced with --OF RECEIVED--.

Attachment: Replacement Sheet (FIG. 3)